

Notice of Allowability

Application No.

09/918,538

Examiner

Harold E. Dodds, Jr.

Applicant(s)

MUTTIK ET AL.

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10 October 2005.
2. ☒ The allowed claim(s) is/are 1-24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 121605.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>12/16/05</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Harold E. Dodds, Jr.
Patent Examiner

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Kevin J. Kilka on 16 December 2005.

3. The application has been amended as follows:

In claim 1 on line 16, ~~delete~~ ~~than said new current version of said file~~ ~~after~~ "of said file" and **add** as they will not subsequently be needed **after** "of said file".

In claim 9 on line 14, ~~delete~~ ~~than said new current version of said file~~ ~~after~~ "of said file" and **add** as they will not subsequently be needed **after** "of said file".

In claim 17 on line 14, ~~delete~~ ~~than said new current version of said file~~ ~~after~~ "of said file" and **add** as they will not subsequently be needed **after** "of said file".

In the Specification on page 6, line 4, ~~delete~~ ~~8~~ ~~after~~ "wireless hub" and **add** 7 **after** "wireless hub".

4. The following changes to the drawings have been approved by the examiner and agreed upon by applicant:

In Figure 1, on arrow between "WIRELESS LINK" and "WIRELESS HUB" **replace** compressed text with TIME = 2.

In Figure 1, ~~delete~~ the label ~~8~~ on "WIRELESS HUB" and **add** the label 7 on "WIRELESS HUB".

In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

REASONS FOR ALLOWANCE

5. The following is an examiner's statement of reasons for allowance:
Examiner finds Applicants' arguments on pages 9-13 of the "Appeal Brief" filed on 10 October 2005 concerning a computer program product for controlling a target data processing device to update a current version of a file stored on a target data processing device persuasive as applied to independent claims 1, 9, and 17. The combinations of prior art from Van Huben et al. (U.S. Patent No. 5,826,265), Kathrow et al. (U.S. Patent No. 6,393,438), and Sisodia et al. (U.S. Patent Application Publication No. US 2003/0165128) neither renders obvious nor anticipates the combination of recited elements in light of claims 1, 9, and 17. In particular, the above cited references neither renders obvious nor anticipates the combination of recited elements in the phrase "when a full copy of said more up-to-date version of said file is stored on said target data processing device, version replacing logic operable to replace said current version of said file with said more up-to-date version of said file to form a new current version of said file and to discard from said store any portions of less up-to-date versions of said file as they will not subsequently be needed".

CONCLUSION

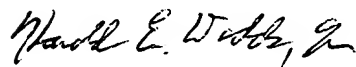
6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should

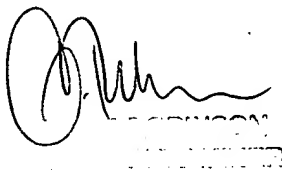
preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harold E. Dodds, Jr. whose telephone number is (571)-272-4110. The examiner can normally be reached on Monday - Friday 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (571)-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Harold E. Dodds, Jr.
Patent Examiner
December 16, 2005


Harold E. Dodds, Jr.
Patent Examiner
December 16, 2005



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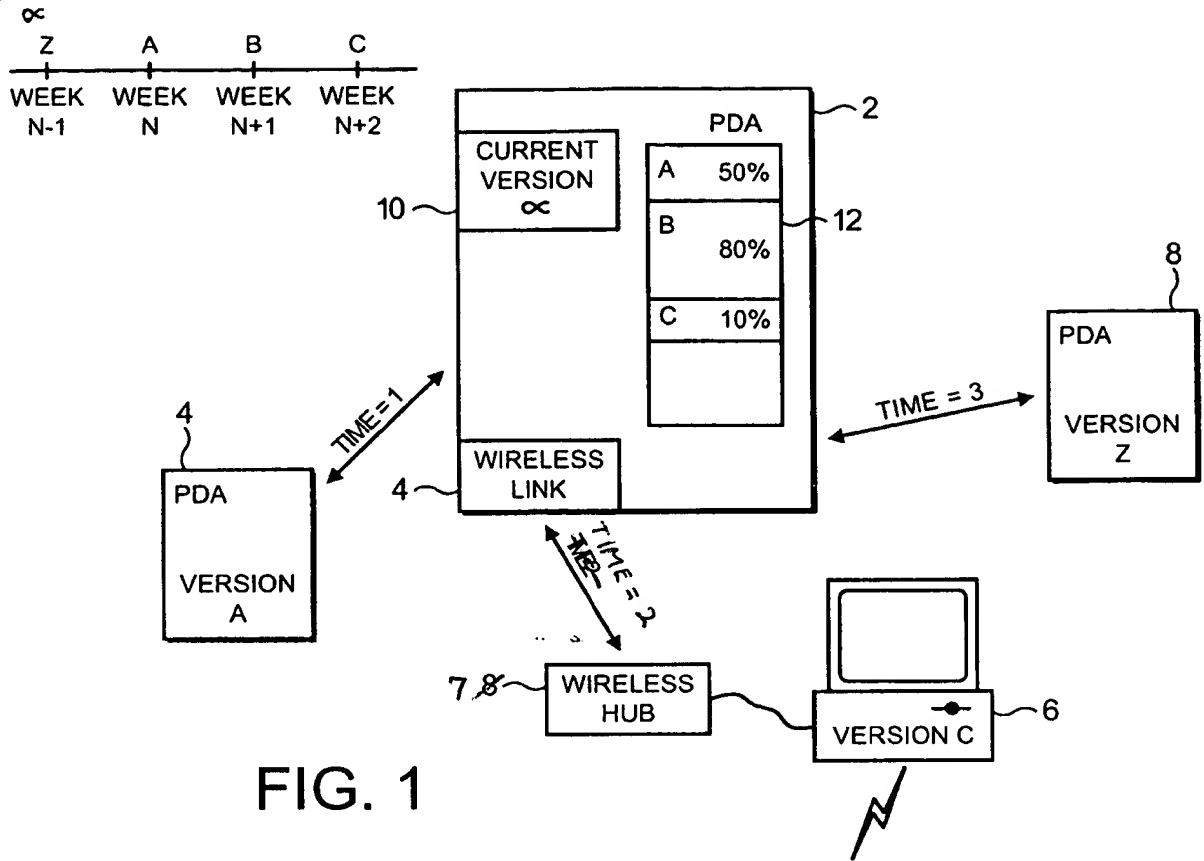


FIG. 1

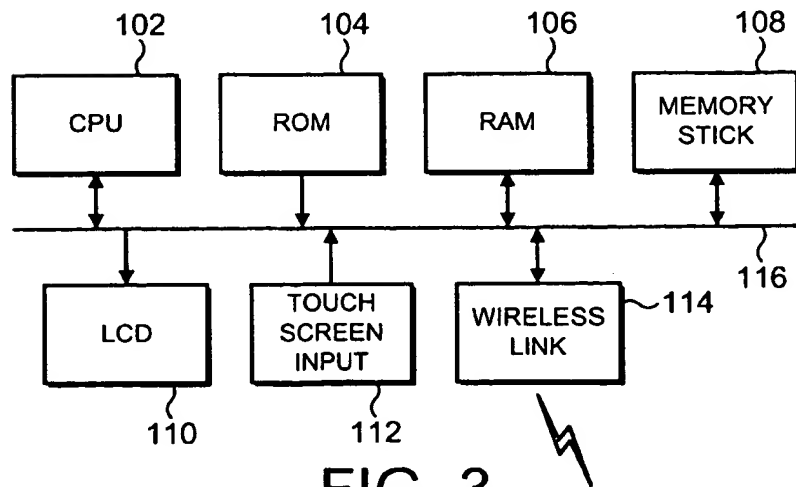


FIG. 3